

# **JOURNAL OF THE SENATE**

**OF THE**

# **STATE OF VERMONT**

**BIENNIAL SESSION, 2013**

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**VOLUME 1**



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**STATE OF VERMONT**

**BUILDINGS AND GENERAL SERVICES,      MIDDLESEX, VERMONT**

**JOHN H. BLOOMER, JR.**  
**SECRETARY OF THE SENATE**

**VANESSA J. DAVISON**  
**JOURNAL CLERK**



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# **Journal of the of the STATE OF VERMONT BIENNIAL SESSION, 2013**

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**WEDNESDAY, JANUARY 9, 2013**

Pursuant to the provisions of the Constitution and the laws of the State of Vermont, the Senate convened at the State House at Montpelier, on the first Wednesday, after the first Monday, the ninth day of January in the year of two thousand thirteen.

At ten o'clock in the forenoon, eastern standard time, the Senate was called to order by the President, Lieutenant Governor Philip B. Scott.

## **Devotional Exercises**

Devotional exercises were conducted by the Reverend Mark Pitton of Montpelier.

## **Pledge of Allegiance**

The President then led the members of the Senate in the pledge of allegiance.

## **Roll Call**

The roll of the Senate was thereupon called by the Secretary, John H. Bloomer, Jr., and it appeared that the following Senators were present.

Addison District	Senator Claire D. Ayer Senator Christopher A. Bray
Bennington District	Senator Robert M. Hartwell Senator Richard W. Sears, Jr.
Caledonia District	Senator Joseph C. Benning Senator M. Jane Kitchel
Chittenden District	Senator Timothy R. Ashe Senator Philip E. Baruth Senator Sally G. Fox Senator Virginia V. Lyons Senator Diane B. Snelling Senator David E. Zuckerman

Essex-Orleans District	Senator John S. Rodgers Senator Robert A. Starr
Franklin District	Senator Donald E. Collins Senator Norman H. McAllister, Sr.
Grand Isle District	Senator Richard T. Mazza
Lamoille District	Senator Richard A. Westman
Orange District	Senator Mark A. MacDonald
Rutland District	Senator William H. Carris Senator Margaret K. Flory Senator Kevin J. Mullin
Washington District	Senator Ann E. Cummings Senator William T. Doyle Senator Anthony Pollina
Windham District	Senator Peter W. Galbraith Senator Jeanette K. White
Windsor District	Senator John F. Campbell Senator Richard J. McCormack Senator Alice W. Nitka

#### **Oath Administered**

The Senators-elect were duly sworn by the Secretary and severally subscribed the oath of office.

#### **Election of Officers**

The President announced that the next order of business was the election of officers, and that nominations for Secretary were in order:

Senator Mullin of Rutland District nominated

**JOHN H. BLOOMER, JR.**

of the Town of Wallingford.

Senator Mazza of Grand Isle District seconded the nomination.

There being no further nominations, on motion of Senator White, the nominations were closed and the Assistant Secretary was instructed to cast one ballot for

**JOHN H. BLOOMER, JR.**

of the Town of Wallingford, as Secretary of the Senate for the two years next ensuing.

Thereupon, he presented himself at the bar of the Senate and received the oath of office from the President.

**Election of President *Pro Tempore***

The President then announced that the next order of business was the election of a President *pro tempore*.

Senator Snelling of Chittenden District nominated

**JOHN F. CAMPBELL**

of Windsor District.

Senator Baruth of Chittenden District seconded the nomination.

There being no further nominations, on motion of Senator Flory, the nominations were closed and the Secretary was instructed to cast one ballot for

**JOHN F. CAMPBELL**

of Windsor District as President *pro tempore* of the Senate for the two years next ensuing.

Thereupon, he presented himself at the bar of the Senate and received the oath of office from the President.

**Election of Third Member of Committee on Committees**

The Senate then proceeded to the election of a Senator to serve with the President and President *pro tempore* as a member of the Committee on Committees, which appoints the standing committees of the Senate.

Senator Kitchel of Caledonia District nominated

**RICHARD T. MAZZA**

of Grand Isle District.

Senator Flory of Rutland District seconded the nomination.

There being no further nominations, on motion of Senator Baruth, the nominations were closed and the Secretary was instructed to cast one ballot for

**RICHARD T. MAZZA**

of Grand Isle District to serve with the President and President *pro tempore* as a member of the Committee on Committees.

Thereupon, he presented himself at the bar of the Senate and received the oath of office from the President.

**Appointments**

The President announced the appointment by the Secretary of

**STEVEN D. MARSHALL**

of Swanton, as Assistant Secretary of the Senate, and he presented himself at the bar of the Senate and received the oath of office from the Secretary.

The President announced the appointment by the Secretary of

**VANESSA J. DAVISON**

of Hardwick, as Journal Clerk, and

**HELEN L. ESTROFF**

of Montpelier, as Calendar Clerk, and

**ROXANNA T. QUERO**

of Montpelier, as Office Assistant.

**Senate Resolutions Adopted**

Senate resolutions of the following titles were severally offered, read and adopted, and are as follows:

By Senator Mazza,

**S.R. 1.** Senate resolution relating to the rules of the Senate.

***Resolved by the Senate:***

That the Senate be governed by the Permanent Rules of the Senate for the 2013 biennial session, as adopted in 1989, with amendments adopted in 1997, 2003, 2004, 2007, 2008 and 2009, until others are adopted.

By Senator Doyle,

**S.R. 2.** Senate resolution relating to appointment of a committee to inform the Governor of the organization of the Senate.

***Resolved by the Senate:***

That a committee of four Senators be appointed by the President to wait upon His Excellency, the Governor, and to inform him that the Senate has organized and is ready on its part to proceed with the business of the session.

By Senator Baruth,

**S.R. 3.** Senate resolution relating to informing the House of the organization of the Senate.

***Resolved by the Senate:***



That the Secretary be directed to inform the House of Representatives that a quorum of the Senate has assembled and organized by the election of **John H. Bloomer, Jr.**, of Wallingford, as Secretary, and **John F. Campbell**, a Senator from Windsor District, as President *pro tempore*, and is ready on its part to proceed with the business of the session.

**Joint Senate Resolutions Adopted on the Part of the Senate**

Joint Senate resolutions of the following titles were severally offered, read and adopted on the part of the Senate, and are as follows:

By Senator Campbell,

**J.R.S. 1.** Joint resolution relating to joint rules.

***Resolved by the Senate and House of Representatives:***

That the joint rules of the Senate and the House as adopted in 2011 be adopted as the joint rules of this biennial session until others are adopted.

By Senator White,

**J.R.S. 2.** Joint resolution to provide for a Joint Assembly to receive the report of the committee appointed to canvass votes for state officers.

***Resolved by the Senate and House of Representatives:***

That the two Houses meet in Joint Assembly on Thursday, January 10, 2013, at ten o'clock in the forenoon to receive the report of the Joint Canvassing Committee appointed to canvass votes for Governor, Lieutenant Governor, State Treasurer, Secretary of State, Auditor of Accounts and Attorney General, and if it shall be declared by said Committee that there had been no election by the freemen and freewomen of any of said state officers, then to proceed forthwith to elect such officers as have not been elected by the freemen and freewomen.

By Senator Campbell,

**J.R.S. 3.** Joint resolution to provide for a Joint Assembly to hear the inaugural message of the Governor.

***Resolved by the Senate and House of Representatives:***

That the two Houses meet in Joint Assembly on Thursday, January 10, 2013, at one o'clock and thirty minutes in the afternoon to receive the inaugural message of the Governor.

By Senators Baruth and Flory,

**J.R.S. 4.** Joint resolution relating to Town Meeting adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, March 1, 2013, or Saturday, March 2, 2013, it be to meet again no later than Tuesday, March 12, 2013.

By Senator Campbell,

**J.R.S. 5.** Joint resolution to provide for a Joint Assembly to hear the budget message of the Governor.

***Resolved by the Senate and House of Representatives:***

That the two Houses meet in Joint Assembly on Thursday, January 24, 2013, at two o'clock in the afternoon to receive the budget message of the Governor.

### **Committee Appointed**

Pursuant to the provisions of S.R. 2, the President appointed a Committee to wait upon His Excellency, the Governor, to inform him that the Senate is ready on its part to proceed with the business of the session:

Senator Baruth  
Senator Ayer  
Senator Flory  
Senator Benning

### **Report of Committee**

Senator Baruth, of Chittenden District, for the Committee appointed to wait upon His Excellency, the Governor, to inform him that the Senate is ready on its part to proceed with the business of the session, appeared at the bar of the Senate and reported that it had performed the duties assigned to it.

### **Canvassing Committee Elected**

The President nominated as a committee on the part of the Senate to canvass votes for state officers,

Senator Bray, of Addison District  
Senator Hartwell, of Bennington District  
Senator Benning, of Caledonia District  
Senator Fox, of Chittenden District  
Senator Rodgers, of Essex-Orleans District  
Senator McAllister, of Franklin District  
Senator Mazza, of Grand Isle District  
Senator Westman, of Lamoille District

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Senator MacDonald, of Orange District  
Senator Flory, of Rutland District  
Senator Pollina, of Washington District  
Senator White, of Windham District  
Senator Nitka, of Windsor District

Thereupon, Senator Campbell moved that the nominees be elected by the Senate, which was agreed to.

Thereupon, the President declared the nominees elected, and the Committee so elected received the oath of office from the Secretary.

The President designated Senator White, of Windham District, as Chair of the Joint Canvassing Committee to canvass votes for state officers.

**Message from the House No. 1**

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

A quorum of the House has assembled and organized by the election of

**Shapleigh Smith, Jr.**

the Representative from Morristown, as Speaker, and

**Donald G. Milne**

of Washington, as Clerk, who in turn has appointed William M. MaGill of Montpelier as First Assistant Clerk and H. Gwynn Zakov of Barre as Second Assistant Clerk, and is ready on its part to proceed with the business of the session.

**Adjournment**

On motion of Senator Campbell, the Senate adjourned until nine o'clock and thirty minutes in the morning.

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**THURSDAY, JANUARY 10, 2013**

The Senate was called to order by the President *pro tempore*.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend Paul Habersang of Montpelier.

**Message from the House No. 2**

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has considered joint resolutions originating in the Senate of the following titles:

**J.R.S. 1.** Joint resolution relating to joint rules.

**J.R.S. 2.** Joint resolution to provide for a Joint Assembly to receive the report of the committee appointed to canvass votes for state officers.

**J.R.S. 3.** Joint resolution to provide for a Joint Assembly on Thursday, January 10, 2013, at one o'clock and thirty minutes in the afternoon to receive the inaugural message of the Governor.

And has adopted the same in concurrence.

The House has appointed as members of the Joint Canvassing Committee on the part of the House to canvass votes for state officers:

Addison District	Nuovo of Middlebury Lanpher of Vergennes Smith of New Haven
Bennington District	Campion of Bennington Komline of Dorset Wilson of Manchester
Caledonia District	Fay of St. Johnsbury Lawrence of Lyndon South of St. Johnsbury
Chittenden District	Myers of Essex McCullough of Williston Pearson of Burlington
Essex-Orleans District	Batchelor of Derby Higley of Lowell Johnson of Canaan
Franklin District	Branagan of Georgia Dickinson of St. Albans Town O'Connor of Fairfield

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Grand Isle District	Krebs of South Hero Condon of Colchester Spengler of Colchester
Lamoille District	Juskewicz of Cambridge Martin of Wolcott Woodward of Johnson
Orange District	Buxton of Royalton Davis of Washington Townsend of Randolph
Rutland District	Gallivan of Chittenden Shaw of Pittsford Russell of Rutland
Washington District	Stevens of Waterbury Hooper of Montpelier Donahue of Northfield
Windham District	Burke of Brattleboro Marek of Newfane Hebert of Vernon
Winsor District	Christie of Hartford Clarkson of Woodstock Martin of Springfield

**Joint Senate Resolution Adopted on the Part of the Senate**

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senators Baruth and Flory,

**J.R.S. 6.** Joint resolution relating to weekend adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, January 11, 2013, it be to meet again no later than Tuesday, January 15, 2013.

**Recess**

On motion of Senator Mazza the Senate recessed until the fall of the gavel.

**Called to Order**

The Senate was called to order by the President *pro tempore*.

**Joint Assembly**

At ten o'clock in the morning, the hour having arrived for the meeting of the two Houses in Joint Assembly pursuant to:

**J.R.S. 2.** Joint resolution to provide for a Joint Assembly to receive the report of the committee appointed to canvass votes for state officers.

The Senate repaired to the hall of the House.

Having returned therefrom, at ten o'clock and thirty minutes in the morning, the President *pro tempore* assumed the Chair.

**Message from the House No. 3**

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has considered joint resolutions originating in the Senate of the following titles:

**J.R.S. 4.** Joint resolution relating to Town Meeting adjournment.

**J.R.S. 5.** Joint resolution relating to provide for a Joint Assembly to hear the budget message of the Governor.

And has adopted the same in concurrence.

**Called to Order**

The Senate was called to order by the President *pro tempore*.

**Recess**

The Chair declared a recess to 11:25 A.M.

**Called to Order**

The Senate was called to order by the President *pro tempore*.

**Incoming President Takes Oath of Office**

Senator Baruth moved that the President *pro tempore* appoint a Committee of two Senators to wait upon His Excellency, Philip B. Scott, Lieutenant Governor-elect, and escort him to the bar of the Senate.

Which was agreed to.

Thereupon, the President *pro tempore* appointed as members of such Committee:

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Senator Baruth  
Senator Flory

The Committee appointed to wait upon His Excellency, Philip B. Scott, Lieutenant Governor-elect, performed the duties assigned to it and appeared at the bar of the Senate accompanied by His Excellency, Philip B. Scott, who took and subscribed the oath of office required by the Constitution from Senator Richard T. Mazza, long-time friend and colleague of the Lieutenant Governor.

**Remarks of Incoming Lieutenant Governor Philip B. Scott Journalized**

Thereupon, the incoming President addressed the Senate, assuring his full cooperation and accommodation on a nonpartisan and objective basis, and, on motion of Senator Campbell, his remarks were ordered entered in the Journal, and are as follows:

Remarks delivered by Lieutenant Governor Philip B. Scott to the Vermont State Senate, after taking the oath of office on January 10, 2013:

“Good morning. First, I’d like to thank Vermonters for the opportunity to serve the state for another two years. It truly is an honor for me to serve as Vermont’s Lt. Governor. To think a Barre-born stock car racer like myself would ever have an opportunity such as this is truly incredible.

“I also want to thank my family for their support.

“And I’d like to welcome our freshman class. We have 5 “new faces” in the chamber: Chris Bray, Don Collins, Norm McAllister, John Rodgers, and David Zuckerman. None of their faces are truly “new,” but we welcome them back in a new capacity. We do, after all, in true Vermont fashion, like to recycle. And to the rest of you: My sincere congratulations, and welcome back to each and every one of you.

“This session offers us an interesting mix of fresh perspective and experience. We have a returning Governor, Pro Tem, Senate Secretary and Lieutenant Governor – these are all things we didn’t have last time around. (This time, we may actually know what we’re doing! Or at least, give that appearance.)

“The expectations for elected officials, at all levels, are higher than they’ve ever been. Last week, on a national level, we went right to the edge during the Fiscal Cliff standoff, which showed us the danger of political brinksmanship – something that I hope we can all remember in this chamber when those seemingly polarizing issues arise. My belief has always been that if you put

aside the ego and the rhetoric, and inject a bit of creativity, fairness and common sense, that almost any problem involving money can be solved.

“While campaigning, a recurring message I heard, and I’m sure many of you heard, was the anxiety over affordability. The margins are getting smaller. And with the recent 2% rise in the Social Security tax, disposable income has shrunk for all of us in the workforce.

“Another problem we face is the exodus of our young professionals. According to state census data, our 25-to-44 age group lost 30% of its population in the last decade. That’s 28,000 Vermonters who left our state and took with them their buying power, their innovation, and their children. Many of our elementary school classrooms echo with their absence.

“We also struggle in this building with a state budget “pie” that seems to get smaller and smaller each year, much like the pies in Mazza’s Store, which, oddly enough, still cost just as much.

“The question is, what do we do about it?

“I’ve been in business for almost 30 years, and as in any business, there are two sides to the balance sheet: expenses and revenues. We have the same thing here in state government, so we have choices: We can reduce expenses by cutting staff and programs, or we can increase revenues by raising taxes and fees. And, for better or for worse, we’ve already done both. What I continue to hear all over the state is that Vermonters are feeling frustrated, tapped out, and taxed out. The Governor has said the same, and I suspect many of you have gotten that same feedback.

“But there is another way to hit both sides of that balance sheet at the same time. And that’s by growing our economy. If we can work with businesses, both small and large, to replenish those private-sector jobs, progress and prosperity will come. If we can entice young professionals to move here, our classrooms will fill up again, and so will our vacant storefronts, and so will our state coffers.

“But we need more tools to entice people here than just our incredible quality of life. We’re all familiar with the Tourism and Marketing survey completed last year that asked Americans what they associate with the word “Vermont.” Along with “beautiful unspoiled mountains,” we need people to think “opportunity.”

“Our ability to make this happen can be surprisingly easy, if we put aside the temptation to score political points at the expense of Vermonters, who are counting on us to solve our very real problems.



“I’ve talked to a number of you over the last several weeks about coming together around this “theme” of Growing Vermont’s Economy. I only ask you to please keep this goal in mind as you consider the bills that come through each of your committees. Ask yourselves questions like: What will this bill do to help our economy? Will this bill make it easier for families to live and prosper in Vermont? Does this help or hurt our balance sheet?

“Of course, there will always be issues that don’t fit into a neat little box, and whose impact can’t be measured in dollars: whether it’s the most compassionate way to handle end-of-life care, or the best way to integrate migrant workers into our society. These might not be the questions we want to think about, but they are the ones before us. We will each have our own, sometimes very personal and deeply-held beliefs about these issues. And we will not always agree. But we have a choice. We can make those inevitable disagreements into divisions, or we can commit to respectful and reasonable debates, not only with each other, but with the citizens of Vermont. Never forget that we are just caretakers here in this beautiful building, which belongs to the citizens of Vermont.

“Voters on November 6<sup>th</sup> sent us here with an enormous responsibility resting on our shoulders. But with all of us pulling in the same direction, and treating each other with respect and civility, I think there is a lot of potential for what we can accomplish together in the next two years.

“My door is always open. I, along with my chief of staff, Nancy, look forward to working with all of you. Thank you.”

### **Appointments**

The President announced the appointment of

**NANCY S. DRISCOLL**

of Marshfield, as Administrative Assistant to the incoming President.

### **Recess**

On motion of Senator Campbell the Senate recessed until 1:25 P.M.

### **Called to Order**

The Senate was called to order by the President.

### **Joint Assembly**

At one o'clock and thirty minutes in the afternoon, the hour having arrived for the meeting of the two Houses in Joint Assembly pursuant to:

**J.R.S. 3.** Joint resolution to provide for a Joint Assembly to hear the inaugural message of the Governor.

The Senate repaired to the hall of the House.

Having returned therefrom, at three o'clock and fifteen minutes in the afternoon, the President assumed the Chair.

### **Called to Order**

The Senate was called to order by the President.

### **Recess**

The Chair declared a recess.

### **Called to Order**

The Senate was called to order by the President.

### **Standing Committees Appointed**

The President, on behalf of the Committee on Committees, reported the appointment of the standing committees, as follows:

#### **Agriculture**

A.M.	Senator Starr, Chair	Room 26
	Zuckerman, Vice-Chair	
	Bray	
	Carris	
	McAllister	

#### **Appropriations**

P.M.	Senator Kitchel, Chair	Room 5
	Nitka, Vice-Chair	
	Fox	
	Sears	
	Snelling	
	Starr	
	Westman	

### **Economic Development, Housing and General Affairs**

A.M.	Senator Mullin, Chair	Room 27
	Baruth, Vice-Chair	
	Collins	
	Cummings	
	Doyle	

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**Education**

P.M.	Senator McCormack, Chair Collins, Vice-Chair Baruth Doyle Zuckerman	Room 28
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**Finance**

P.M.	Senator Ashe, Chair MacDonald, Vice-Chair Bray Galbraith Hartwell Lyons Mullin	Room 6
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**Government Operations**

P.M.	Senator White, Chair Pollina, Vice-Chair Ayer Carris McAllister	Room 4
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**Health and Welfare**

A.M.	Senator Ayer, Chair Fox, Vice-Chair Lyons McCormack Pollina	Room 17
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**Institutions**

P.M.	Senator Flory, Chair Cummings, Vice-Chair Benning Mazza Rodgers	Room 7
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**Judiciary**

A.M.	Senator Sears, Chair	Room 1
	Benning, Vice-Chair	
	Nitka	
	White	
	Ashe	

**Natural Resources and Energy**

A.M.	Senator Hartwell, Chair	Room 8
	Snelling, Vice-Chair	
	Galbraith	
	MacDonald	
	Rodgers	

**Transportation**

A.M.	Senator Mazza, Chair	Room 3
	Westman, Vice-Chair	
	Campbell	
	Flory	
	Kitchel	

**Resignation of Senator**

The following communication was received by the Secretary from the Honorable William H. Carris, Senator from Rutland District, notifying the Senate of his resignation from the Senate, which letter is as follows:

January 10, 2013

The Honorable Governor Peter E. Shumlin  
109 State Street, Pavilion  
Montpelier, VT 05609

Dear Governor Shumlin:

It is with great sadness that I am offering my resignation from the Vermont State Senate, effective January 10, 2012.

Since the election I have struggled about my future in the Senate. As you know I have had a significant back problem for a number of years, a condition that was aggravated when I fractured my ankle in 2010. For the past two years, I have undergone surgery, intensive therapy, and rehabilitation that I strongly believed would have allowed me to return to my duties in the Senate for the 2013-2014 legislative session.

As time has passed my condition remains the same. After consulting with my physicians and family over the past several weeks I have concluded that

my return to the Senate would come with physical limitations that would prevent me from fully discharging my duties representing my constituents, my county, and my state.

It is impossible to express how great a privilege and honor it has been to have represented the people of Rutland County. It has been a highlight of my life.

I want to thank you for your friendship, support, and leadership. It has been wonderful working with you and my Senate colleagues. I will miss that closeness.

Vermont truly yours,

/s/William H. Carris

Bill Carris

cc. Senator John F. Campbell, *pro tempore*  
Secretary of the Senate John H. Bloomer, Jr.

### **Adjournment**

On motion of Senator Campbell, the Senate adjourned until nine o'clock and thirty minutes in the morning.

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### **FRIDAY, JANUARY 11, 2013**

The Senate was called to order by the President.

### **Devotional Exercises**

Devotional exercises were conducted by the Reverend Rebecca Girrell Clark of Montpelier.

### **Bills Introduced**

Senate bills of the following titles were severally introduced, read the first time and referred:

#### **S. 1.**

By Senator Ashe,

An act relating to consideration of financial cost of criminal sentencing options.

To the Committee on Judiciary.

**S. 2.**

By Senator Sears,

An act relating to sentence calculations.

To the Committee on Judiciary.

**S. 3.**

By Senator Sears,

An act relating to allowing participation in out-of-state contests requiring a fee to enter.

To the Committee on Economic Development, Housing and General Affairs.

**S. 4.**

By Senators Sears, Ashe and Campbell,

An act relating to concussions and school athletic activities.

To the Committee on Education.

**S. 5.**

By Senator Sears,

An act relating to issuance of a fraudulent arrest warrant by the parole board.

To the Committee on Judiciary.

**S. 6.**

By Senator White,

An act relating to freedom of expression for public school students.

To the Committee on Education.

**S. 7.**

By Senator Sears,

An act relating to social networking privacy protection.

To the Committee on Economic Development, Housing and General Affairs.

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**S. 8.**

By Senator Sears,

An act relating to docking the tail of a bovine.

To the Committee on Agriculture.

**S. 9.**

By Senator Ashe,

An act relating to establishing an Animal Abuse Registry.

To the Committee on Judiciary.

**S. 10.**

By Senator Hartwell,

An act relating to increasing the voting requirement for school budgets that exceed the maximum inflation amount.

To the Committee on Education.

**S. 11.**

By Senator White,

An act relating to the Austine School.

To the Committee on Institutions.

**S. 12.**

By Senators Ashe and Snelling,

An act relating to excluding retirement contributions by self-employed individuals from the definition of household income.

To the Committee on Finance.

**S. 13.**

By Senators Mullin, Baruth, Benning, Collins, Doyle and Sears,

An act relating to nonschool recreational use of public school property.

To the Committee on Education.

**S. 14.**

By Senator Mullin,

An act relating to payment of agency fees by teachers, school administrators, and municipal employees.

To the Committee on Economic Development, Housing and General Affairs.

**S. 15.**

By Senator Hartwell,

An act relating to creation of the Public Service Oversight Committee.

To the Committee on Finance.

**S. 16.**

By Senator Hartwell,

An act relating to appointment to the Public Service Board.

To the Committee on Finance.

**S. 17.**

By Senator Ashe,

An act relating to filing campaign finance reports.

To the Committee on Government Operations.

**S. 18.**

By Senators Ashe, Fox, Sears and Snelling,

An act relating to automated license plate recognition systems.

To the Committee on Transportation.

**S. 19.**

By Senator Sears,

An act relating to prohibiting intentionally accessing child pornography through the Internet.

To the Committee on Judiciary.

**S. 20.**

By Senator Sears,

An act relating to increasing the statute of limitations for certain sex offenses against children.

To the Committee on Judiciary.



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**Committee Relieved of Further Consideration; Bill Committed**

**S. 4.**

On motion of Senator Sears, the Committee on Education was relieved of further consideration of Senate bill entitled:

An act relating to concussions and school athletic activities,  
and the bill was committed to the Committee on Judiciary.

**Message from the House No. 4**

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has considered joint resolution originating in the Senate of the following title:

**J.R.S. 6.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

**Adjournment**

On motion of Senator Campbell, the Senate adjourned, to reconvene on Tuesday, January 15, 2013, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 6.

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**TUESDAY, JANUARY 15, 2013**

The Senate was called to order by the President.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend Amelia Pitton of Montpelier.

**Pledge of Allegiance**

The President then led the members of the Senate in the pledge of allegiance.

**Message from the Governor  
Appointments Referred**

A message was received from the Governor, by Alexandra MacLean, Secretary of Civil and Military Affairs, submitting the following appointments, which were referred to committees as indicated:

Sbardella, Julian of Fair Haven - Member of the Liquor Control Board, - from July 3, 2012, to January 31, 2013.

To the Committee on Economic Development, Housing and General Affairs.

Mazza, Melissa D., of Essex Junction - Member of the Liquor Control Board, - from June 14, 2012, to January 31, 2017.

To the Committee on Economic Development, Housing and General Affairs.

Gallagher, Thomas of St. Albans - Member of the Liquor Control Board, - from July 3, 2012, to January 31, 2015.

To the Committee on Economic Development, Housing and General Affairs.

Heald, Francis of Rutland - Member of the Travel Information Council, - from July 3, 2012, to February 28, 2014.

To the Committee on Transportation.

Kennett, Elizabeth of Rochester - Member of the Travel Information Council, - from July 3, 2012, to February 28, 2014.

To the Committee on Transportation.

Davis, Susan of North Hero - Member of the Travel Information Council, - from July 3, 2012, to February 28, 2014.

To the Committee on Transportation.

Stephens, Mary L. of Forestdale - Member of the Parole Board, - from July 3, 2012, to February 28, 2015.

To the Committee on Institutions.

Skinner, Mary Just of Middlesex - Member of the Human Services Board, - from July 3, 2012, to February 28, 2015.

To the Committee on Health and Welfare.

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Dunsmore, Carol of Swanton - Member of the Current Use Advisory Board, - from June 14, 2012, to January 31, 2014.

To the Committee on Natural Resources and Energy.

Gish, Jim of Middlebury - Member of the Board of Libraries, - from June 1, 2012, to February 29, 2016.

To the Committee on Education.

Fitzhugh, John of Berlin - Member of the Board of Libraries, - from May 16, 2012, to February 29, 2016.

To the Committee on Education.

Francis, Lachlan of Putney - Member of the Board of Education, - from July 1, 2012, to June 30, 2014.

To the Committee on Education.

Breton, Julie of Winooski - Member of the Community High School of Vermont Board, - from July 1, 2012, to February 28, 2015.

To the Committee on Education.

Phillips, Hannah of Brattleboro - Member of the Children and Family Council for Prevention Programs, - from May 4, 2012, to February 28, 2015.

To the Committee on Health and Welfare.

Randall, Lisa of Colchester - Member of the Vermont Housing Finance Agency, - from May 4, 2012, to January 31, 2016.

To the Committee on Finance.

Watkins, Timothy of Colchester - Member of the Electricians' Licensing Board, - from August 15, 2012, to June 30, 2015.

To the Committee on Economic Development, Housing and General Affairs.

Williams, Robert of Poultney - Member of the Electricians' Licensing Board, - from August 15, 2012, to June 30, 2015.

To the Committee on Economic Development, Housing and General Affairs.

Pallito, Patti of Richmond - Member of the State Police Advisory Commission, - from August 15, 2012, to June 30, 2013.

To the Committee on Government Operations.

Sartorelli, Ugo of Barre - Member of the State Police Advisory Commission, - from August 15, 2012, to June 30, 2016.

To the Committee on Government Operations.

Britt, Robert D. of South Burlington - Member of the Vermont Economic Development Authority, - from August 1, 2012, to June 30, 2018.

To the Committee on Finance.

McEwan, Kenneth D. of Panton - Member of the Vermont Economic Development Authority, - from August 1, 2012, to June 30, 2018.

To the Committee on Finance.

Patten, Will of Hinesburg - Member of the Vermont Economic Development Authority, - from June 20, 2012, to June 30, 2018.

To the Committee on Finance.

Bullock, Frederick of Bellows Falls - Member of the State Infrastructure Bank Board, - from July 20, 2012, to February 28, 2017.

To the Committee on Finance.

Bishop, Robert of St. Johnsbury - Member of the State Infrastructure Bank Board, - from July 20, 2012, to February 28, 2017.

To the Committee on Finance.

MacDonald, Gregory, MD of East Montpelier - Member of the Vermont Tobacco Evaluations and Review Board, - from July 20, 2012, to June 30, 2015.

To the Committee on Health and Welfare.

Crowley, Thomas of South Burlington - Member of the State Police Advisory Committee, - from July 20, 2012, to June 30, 2016.

To the Committee on Government Operations.

Hunter, Patricia of Rutland - Member of the Vermont Board of Medical Practice, - from July 20, 2012, to December 31, 2016.

To the Committee on Health and Welfare.

### **Message from the Governor Appointments Referred**

A message was received from the Governor, by William Lofy, Secretary of Civil and Military Affairs, submitting the following appointments, which were referred to committees as indicated:

Fitzgerald, James B. of St. Albans - Member of the Transportation Board, - from August 12, 2012, to February 28, 2015.

To the Committee on Transportation.

Bokan, Carol of Shelburne - Member of the Community High School of Vermont Board, - from August 30, 2012, to February 28, 2015.

To the Committee on Education.

MacIlwaine, Andy of Burlington - Member of the Community High School of Vermont Board, - from August 30, 2012, to February 28, 2015.

To the Committee on Education.

Larocque, Leo O. of Whiting - Member of the Electricians' Licensing Board, - from October 23, 2012, to June 30, 2015.

To the Committee on Economic Development, Housing and General Affairs.

Dengler, Wayne S. of Saxtons River - Member of the Parole Board, - from October 23, 2012, to February 28, 2013.

To the Committee on Institutions.

Bishop, Bethany of Montpelier - Member of the Vermont Economic Development Authority, - from October 23, 2012, to June 30, 2018.

To the Committee on Finance.

Moulton, Mary of Moretown – Commissioner of the Department of Mental Health, - from December 1, 2012, to February 28, 2013.

To the Committee on Health and Welfare.

Evans, Allen of Middlesex - Member of the Vermont Board of Medical Practice, - from November 13, 2012, to December 31, 2016.

To the Committee on Health and Welfare.

LeCours, Leo M. of Jericho - Member of the Vermont Board of Medical Practice, - from November 13, 2012, to December 31, 2013.

To the Committee on Health and Welfare.

### **Message from the Governor Appointments Referred**

A message was received from the Governor, by Louis Porter, Secretary of Civil and Military Affairs, submitting the following appointments, which were referred to committees as indicated:

Donegan, Susan of Montpelier – Commissioner of the Department of Financial Regulation, - from January 9, 2013, to February 28, 2013.

To the Committee on Finance.

Recchia, Christopher of Randolph – Commissioner of the Department of Public Service, - from January 9, 2013, to February 28, 2013.

To the Committee on Finance.

Vilaseca, Armando of Westford – Secretary of the Agency of Education, - from January 2, 2013, to February 28, 2015.

To the Committee on Education.

Clark, Edward W., Jr. of Guildhall - Member of the State Labor Relations Board, - from December 28, 2012, to June 30, 2018.

To the Committee on Economic Development, Housing and General Affairs.

Willard, Alan R. of Woodstock - Member of the State Labor Relations Board, - from December 28, 2012, to June 30, 2018.

To the Committee on Economic Development, Housing and General Affairs.

Griffin, Kevin William of Norwich – Superior Judge, - from January 4, 2013, to March 31, 2013.

To the Committee on Judiciary.

Coates, David R. of Colchester – Director, Vermont Municipal Bond Bank, - from February 1, 2013, to January 31, 2015.

To the Committee on Finance.

Boardman, Kathryn of Shelburne – Director, Vermont Municipal Bond Bank, - from February 1, 2013, to January 31, 2015.

To the Committee on Finance.

#### **Joint Resolution Adopted on the Part of the Senate**

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senators Baruth and Flory,

**J.R.S. 7.** Joint resolution relating to weekend adjournment.

***Resolved by the Senate and House of Representatives:***

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That when the two Houses adjourn on Friday, January 18, 2013, it be to meet again no later than Tuesday, January 22, 2013.

**Bills Introduced**

Senate bills of the following titles were severally introduced, read the first time and referred:

**S. 21.**

By Senators Galbraith, Benning, Campbell, Hartwell, Kitchel, Rodgers and Starr,

An act relating to prohibiting commercial construction on certain state and conserved lands and to municipal approval of wind towers and turbines.

To the Committee on Natural Resources and Energy.

**S. 22.**

By Senator MacDonald,

An act relating to rental assistance.

To the Committee on Health and Welfare.

**S. 23.**

By Senator Sears,

An act relating to access to records in adult protective services investigations.

To the Committee on Health and Welfare.

**S. 24.**

By Senator Ayer,

An act relating to adult protective services reporting requirements.

To the Committee on Health and Welfare.

**S. 25.**

By Senator Hartwell,

An act relating to public advocacy in utility matters.

To the Committee on Finance.

**S. 26.**

By Senators Fox, Lyons, Pollina and Westman,

An act relating to providing state financial support for school meals for children of low-income households.

To the Committee on Education.

**S. 27.**

By Senator Pollina,

An act relating to respectful language in the Vermont Statutes Annotated.

To the Committee on Government Operations.

**S. 28.**

By Senators Baruth, Pollina and White,

An act relating to gender-neutral nomenclature for the identification of parents on birth certificates.

To the Committee on Health and Welfare.

**S. 29.**

By Senator White,

An act relating to authorizing industrial hemp licenses.

To the Committee on Agriculture.

**S. 30.**

By Senators Benning, Hartwell, Flory, Galbraith, Kitchel, McAllister, Mullin, Rodgers and Starr,

An act relating to siting of electric generation plants.

To the Committee on Natural Resources and Energy.

**S. 31.**

By Senators Sears and Hartwell,

An act relating to prohibiting a court from consideration of interests in revocable trusts or wills when making a property settlement in a divorce proceeding.

To the Committee on Judiciary.



**S. 32.**

By Senator Baruth,

An act relating to semiautomatic assault weapons and large capacity ammunition feeding devices.

To the Committee on Judiciary.

**S. 33.**

By Senator Baruth,

An act relating to prohibiting handheld use of portable electronic devices.

To the Committee on Transportation.

**Adjournment**

On motion of Senator Campbell, the Senate adjourned until one o'clock and thirty minutes in the afternoon on Wednesday, January 16, 2013.

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**WEDNESDAY, JANUARY 16, 2013**

The Senate was called to order by the President.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend Rabbi Tobi Weisman of Montpelier.

**Message from the Governor**

A message was received from the Governor, by Louis Porter, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the sixteenth day of January 2013, pursuant to 3 V.S.A. §2002(b), I am herewith enclosing the following Executive Orders:

01-13. Revocation of Executive Order 3-48 and Renaming the Department of Housing and Community Affairs the Department of Housing and Community Development.

02-13. Transfer of Certain Technology Positions to the Department of Information and Innovation.

**Executive Order Referred**

The President laid before the Senate two Executive Orders relating to changes in the organization of the executive branch of the government of Vermont pursuant to the provisions of 3 V.S.A. §2002, which were read by the Secretary and are as follows:

**STATE OF VERMONT  
EXECUTIVE DEPARTMENT  
EXECUTIVE ORDER NO. 01-13**

[Revocation of Executive Order 3-48 and Renaming the Department of  
Housing and Community Affairs the Department of Housing and Community  
Development]

WHEREAS, the Governor, pursuant to 3 V.S.A. § 2001, may make such changes in the organization of the executive branch or in the assignment of functions among its units as he considers necessary for efficient administration; and

WHEREAS, via Executive Order 3-48 (No. 1-09), Governor James H. Douglas, with the approval of the General Assembly pursuant to 3 V.S.A. § 2002, merged the Department of Housing and Community Affairs with the Department of Economic Development within the Agency of Commerce and Community Development; and

WHEREAS, the merger of these two departments with the Agency of Commerce and Community Development is no longer deemed to be in the best interest of the State;

NOW THEREFORE, I, Peter Shumlin, by the power vested in me as Governor, do revoke Executive Order 3-48 and rename the Department of Housing and Community Affairs the Department of Housing and Community Development.

This Executive Order shall take effect on April 12, 2013, or before final adjournment of the annual session, whichever comes first, unless disapproved by the General Assembly pursuant to 3 V.S.A. § 2002. This Executive Order shall be submitted to the General Assembly pursuant to 3 V.S.A. § 2002(b).

Witness my name hereunto  
subscribed and the Great Seal of  
the State of Vermont hereunto  
affixed at Montpelier, this 11th day  
of January, 2013.

---

/s/ Peter E. Shumlin

PETER E. SHUMLIN

Governor

EXECUTIVE ORDER 01-13

Thereupon, pursuant to the rules of the Senate, Executive Order No. 01-13 was referred to the Committee on Economic Development, Housing and General Affairs.

**STATE OF VERMONT**  
**EXECUTIVE DEPARTMENT**  
**EXECUTIVE ORDER NO. 02-13**

[Transfer of Certain Technology Positions to the Department of Information and Innovation]

WHEREAS, the Governor, pursuant to 3 V.S.A. § 209 and 3 V.S.A. § 2001, may make changes in the organization of the executive branch as he considers necessary for efficient administration; and

WHEREAS, the State could improve and enhance its ability to provide services to the public through the transfer of certain technology support positions from the Agency of Human Services (AHS) to the Department of Information and Innovation (DII);

NOW THEREFORE, I, Peter Shumlin, by the power vested in me as Governor, do hereby:

1. Transfer, effective July 1, 2013, the following positions and incumbents from AHS to DII:

	Position No.	HR Title
1	720084	IT Specialist II
2	720086	IT Sys Admin
3	720085	IT Specialist III
4	720003	Help Desk Sp II
5	720065	Network Admin II
6	720150	IT Security
7	720130	AHS Security Director

8	720083	IT Specialist II
9	720106	IT Specialist II
10	720098	Contract and Procurement Specialist
11	720105	IT Specialist II
12	720059	Network Admin. III
13	720087	Network Admin III
14	720090	IT Specialist II
15	750516	IT Specialist III
16	720104	Help Desk Sp II
17	720089	IT Specialist I
18	720093	IT Specialist II
19	720102	Network Admin II
20	720096	IT Specialist II
21	720082	IT Manager I
22	720100	IT Sys Admin
23	720103	IT Specialist II
24	720094	Network Admin II
25	720092	IT Sys Admin
26	720095	Network Admin II

2. Transfer, effective July 1, 2013, the functions, equipment, supplies and inventory associated with the above listed positions from AHS to DII. Any and all appropriations will remain with AHS, as DII will charge AHS for services consumed.

3. Direct the Commissioner of DII to define the position duties and take appropriate classification actions through the Department of Human Resources prior to the effective date of the transfer. The Commissioner shall also take, with the assistance of the Agency Secretaries and Department Commissioners

affected by the transfer, any and all necessary actions to organize, plan and effect an orderly transfer and transition.

This Executive Order shall take effect on April 12, 2013, or before final adjournment of the annual session, whichever comes first, unless disapproved by the General Assembly pursuant to 3 V.S.A. § 2002. This Executive Order shall be submitted to the General Assembly pursuant to 3 V.S.A. § 2002(b).

Witness my name hereunto  
subscribed and the Great Seal of  
the State of Vermont hereunto  
affixed at Montpelier, this 11th day  
of January, 2013.

/s/ Peter E. Shumlin

PETER E. SHUMLIN

Governor

#### EXECUTIVE ORDER 02-13

Thereupon, pursuant to the rules of the Senate, Executive Order No. 02-13 was referred to the Committee on Health and Welfare.

#### **Bills Introduced**

Senate bills of the following titles were severally introduced, read the first time and referred:

#### **S. 34.**

By Senators Pollina, Cummings and Doyle,

An act relating to protecting employees from abuse at work.

To the Committee on Economic Development, Housing and General Affairs.

#### **S. 35.**

By Senators White and Ayer,

An act relating to establishing and regulating licensed dental practitioners.

To the Committee on Government Operations.

**S. 36.**

By Senator Cummings,

An act relating to paid parental leave.

To the Committee on Economic Development, Housing and General Affairs.

**Adjournment**

On motion of Senator Campbell, the Senate adjourned until one o'clock in the afternoon on Thursday, January 17, 2013.

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**THURSDAY, JANUARY 17, 2013**

The Senate was called to order by the President.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend Lisa Ramson of Barre.

**Message from the House No. 5**

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has considered joint resolution originating in the Senate of the following title:

**J.R.S. 7.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

**Adjournment**

On motion of Senator Baruth, the Senate adjourned until eleven o'clock and thirty minutes in the morning.

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**FRIDAY, JANUARY 18, 2013**

The Senate was called to order by the President.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend Elisse Johnk of East Montpelier.

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**Bills Introduced**

Senate bills of the following titles were severally introduced, read the first time and referred:

**S. 37.**

By Senators Ashe, Baruth, Fox, Lyons, Snelling and Zuckerman,  
An act relating to the creation of a tax increment financing district.  
To the Committee on Finance.

**S. 38.**

By Senators Baruth, Ashe, Ayer, Cummings, Fox, Lyons, McCormack, Pollina, White and Zuckerman,  
An act relating to expanding eligibility for driving and identification privileges in Vermont.  
To the Committee on Transportation.

**S. 39.**

By Senators Hartwell and Sears,  
An act relating to the adoption of local option taxes.  
To the Committee on Finance.

**S. 40.**

By Senators Pollina, Collins, Cummings, Doyle, Lyons, Westman and Zuckerman,  
An act relating to establishing an interim committee that will develop policies to restore the 1980 ratio of state funding to student tuition at Vermont State Colleges and to make higher education more affordable.  
To the Committee on Education.

**Senate Resolution Referred****S.R. 4.**

Senate resolution of the following title was offered, read the first time and is as follows:

Senate resolution supporting a woman's right to decide her own reproductive choices and commemorating the 40th anniversary of the U.S. Supreme Court decision in *Roe v. Wade*.

By Senators Fox, Ashe, Baruth, Bray, Doyle, Hartwell, Kitchel, Lyons, MacDonald, McCormack, Pollina, Sears, Snelling, White, and Zuckerman,

**S.R. 4.** Senate resolution supporting a woman's right to decide her own reproductive choices and commemorating the 40th anniversary of the U.S. Supreme Court decision in *Roe v. Wade*.

*Whereas*, on January 22, 1973, the U.S. Supreme Court decision in *Roe v. Wade*, 410 U.S. 113 (1973), established that the U.S. Constitution protects a woman's right to privacy and limits government interference with medical decisions, and

*Whereas*, the Senate believes that the decision in *Roe v. Wade* ensures that abortion remains a safe and legal procedure for a woman to consider, if and when she needs it, and

*Whereas*, as the State of Vermont pursues major health care reform, it should be a public policy goal to enhance the health of all citizens, including women of all ages, and to strengthen individuals and families by encouraging and promoting access to comprehensive family planning services and to prenatal support services that help ensure that planned pregnancies remain healthy throughout their entire term, and

*Whereas*, the General Assembly's repeal of the dated and restrictive 13 V.S.A. Chapter 3 would remove the statutory prohibition on abortion procedures in Vermont and serve as an important legislative action in support of a woman's reproductive rights, as well as help a health care provider to perform an abortion procedure without fear of criminal liability, and

*Whereas*, this legislative body believes that abortion is a deeply personal and often complex decision for a woman, and therefore decisions about whether to choose adoption, end a pregnancy, or raise a child must be left to a woman, her family, and her faith, with the counsel of her doctor or health care provider, and

*Whereas*, a majority of Americans support access to safe and legal abortion and oppose efforts to overturn *Roe v. Wade*, and

*Whereas*, the 2012 elections sent a powerful and unmistakable message to members of Congress and state legislatures that people do not want politicians to interfere with their personal medical decisions, and

*Whereas*, violence against providers of family planning services and restrictions on access to abortion endanger the lives of women, *now therefore be it*

***Resolved by the Senate:***



That on the 40th anniversary of *Roe v. Wade*, the Senate of the State of Vermont urges Congress and other state legislatures to preserve the rights protected in *Roe v. Wade*, *and be it further*

**Resolved:** That the Senate of the State of Vermont recognizes the critical importance of continued access to safe and legal abortion, *and be it further*

**Resolved:** That the Senate of the State of Vermont reaffirms the right of every Vermont woman to privacy, autonomy, and safety in making personal decisions regarding reproduction and family planning, *and be it further*

**Resolved:** That the Secretary of the Senate be directed to send a copy of this resolution to the Vermont Congressional Delegation.

Thereupon, the President, in his discretion, treated the joint resolution as a bill and referred it to the Committee on Judiciary.

**Committee Relieved of Further Consideration; Bill Committed**

**S.R. 4.**

On motion of Senator Ayer, the Committee on Judiciary was relieved of further consideration of Senate resolution entitled:

Senate resolution supporting a woman's right to decide her own reproductive choices and commemorating the 40th anniversary of the U.S. Supreme Court decision in *Roe v. Wade*,

and the resolution was committed to the Committee on Health and Welfare.

**Message from the House No. 6**

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has adopted House concurrent resolutions of the following titles:

**H.C.R. 1.** House concurrent resolution congratulating Food Works at Two Rivers Center of Montpelier on its 25th anniversary.

**H.C.R. 2.** House concurrent resolution recognizing January 10, 2013 as Homeless Awareness Day at the State House.

**H.C.R. 3.** House concurrent resolution recognizing the outstanding work of the Vermont Human Trafficking Task Force and designating January 11, 2013 as Human Trafficking Awareness Day in Vermont.

**H.C.R. 4.** House concurrent resolution congratulating Nathaniel Boone on being named a recipient of the Congressional Gold Medal.

**H.C.R. 5.** House concurrent resolution congratulating the 2012 9-10 Vermont State Little League championship Williston 9-10 All Stars baseball team.

**H.C.R. 6.** House concurrent resolution congratulating the 2012 Harwood Union High School Highlanders Division II championship field hockey team.

**H.C.R. 7.** House concurrent resolution congratulating the 2012 Harwood Union High School boys' and girls' Division II cross-country championship teams.

**H.C.R. 8.** House concurrent resolution congratulating Laura Ziegler of Plainfield on being named the recipient of the 30th annual David W. Curtis Civil Liberties Award.

**H.C.R. 9.** House concurrent resolution honoring Donald Vickers for his career role assisting students to achieve their education goals beyond high school.

In the adoption of which the concurrence of the Senate is requested.

#### **Senate Concurrent Resolutions**

The following joint concurrent resolutions, having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were severally adopted on the part of the Senate:

By Senators Doyle, Cummings and Pollina,

By Representative Klein,

#### **S.C.R. 1.**

Senate resolution commemorating the sestercentennial anniversary of the town of Middlesex.

By Senators Doyle, Cummings and Pollina,

#### **S.C.R. 2.**

Senate concurrent resolution congratulating Angeleno's Pizza on its 30th anniversary.

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By Senators Doyle, Cummings and Pollina,

**S.C.R. 3.**

Senate concurrent resolution honoring the professional and civic contributions of Dr. David Butsch.

By Senators Doyle, Cummings and Pollina,

By Representatives Donahue and Lewis,

**S.C.R. 4.**

Senate concurrent resolution congratulating the 2012 Northfield High School Marauders Division III championship baseball team and its illustrious retiring head coach, Frank Pecora.

By Senators Doyle, Cummings and Pollina,

By Representatives Donahue and Lewis,

**S.C.R. 5.**

Senate concurrent resolution congratulating the town of Berlin on its sestercentennial (250th) anniversary.

By Senators Cummings, Doyle and Pollina,

**S.C.R. 6.**

Senate concurrent resolution honoring Rosemary Miller for her three decades of outstanding work at the Vermont Center for Independent Living.

By Senators Doyle, Cummings and Pollina,

By Representatives Ellis and Stevens,

**S.C.R. 7.**

Senate concurrent resolution commemorating the sestercentennial anniversary of the town of Waterbury.

By Senators Doyle, Cummings and Pollina,

By Representative Ancel,

**S.C.R. 8.**

Senate concurrent resolution commemorating the 150th anniversary of the original chartering of Goddard College.

By Senators Doyle, Cummings and Pollina,

By Representatives Peltz and Smith,

**S.C.R. 9.**

Senate concurrent resolution commemorating the sescentennial anniversary of the town of Worcester.

**House Concurrent Resolutions**

The following joint concurrent resolutions having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were severally adopted in concurrence:

By Representative Klein,

By Senators Cummings, Doyle and Pollina,

**H.C.R. 1.**

House concurrent resolution congratulating Food Works at Two Rivers Center of Montpelier on its 25th anniversary.

By Representative Head,

**H.C.R. 2.**

House concurrent resolution recognizing January 10, 2013 as Homeless Awareness Day at the State House.

By Representative Ram and others,

By Senator Sears,

**H.C.R. 3.**

House concurrent resolution recognizing the outstanding work of the Vermont Human Trafficking Task Force and designating January 11, 2013 as Human Trafficking Awareness Day in Vermont.

By Representative Wilson and others,

**H.C.R. 4.**

House concurrent resolution congratulating Nathaniel Boone on being named a recipient of the Congressional Gold Medal.

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By Representatives Macaig and McCullough,

By Senator Lyons,

**H.C.R. 5.**

House concurrent resolution congratulating the 2012 9-10 Vermont State Little League championship Williston 9-10 All Stars baseball team.

By Representative Stevens and others,

**H.C.R. 6.**

House concurrent resolution congratulating the 2012 Harwood Union High School Highlanders Division II championship field hockey team.

By Representative Stevens and others,

**H.C.R. 7.**

House concurrent resolution congratulating the 2012 Harwood Union High School boys' and girls' Division II cross-country championship teams.

By Representative Ancel and others,

By Senators Cummings, Doyle, Pollina, Ashe, Ayer, Baruth, Benning, Campbell, Collins, Flory, Fox, Galbraith, Hartwell, Kitchel, Lyons, MacDonald, Mazza, McAllister, McCormack, Mullin, Nitka, Sears, Starr, Westman and White,

**H.C.R. 8.**

House concurrent resolution congratulating Laura Ziegler of Plainfield on being named the recipient of the 30th annual David W. Curtis Civil Liberties Award.

By Representative Heath,

**H.C.R. 9.**

House concurrent resolution honoring Donald Vickers for his career role assisting students to achieve their education goals beyond high school.

**Adjournment**

On motion of Senator Campbell, the Senate adjourned, to reconvene on Tuesday, January 22, 2013, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 7.

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**TUESDAY, JANUARY 22, 2013**

The Senate was called to order by the President.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend Nancy McHugh of Waitsfield.

**Pledge of Allegiance**

The President then led the members of the Senate in the pledge of allegiance.

**Message from the Governor**

A message was received from His Excellency, the Governor, by Louis Porter Secretary of Civil and Military Affairs, as follows:

Mr. Secretary:

I am directed by the Governor to deliver to the Senate a communication in writing.

**Appointment Journalized**

The President laid before the Senate the following communication from His Excellency, the Honorable Peter E. Shumlin, Governor of the State of Vermont, relating to the appointment of a new Senator from the District of Rutland, which was ordered entered in the Journal, and is as follows:

“State of Vermont  
Executive Department  
Montpelier

January 22, 2013

The Honorable Philip B. Scott  
President  
Vermont State Senate  
The State House  
Montpelier, Vermont 05633

Dear Mr. President:

I have the honor to inform you that I have appointed

**Eldred M. French, of Shrewsbury**

to serve in the Vermont Senate representing the Rutland County Senatorial District, formerly held by Senator William H. Carris. This appointment is effective January 22, 2013.

Sincerely,

/s/ Peter E. Shumlin

Peter E. Shumlin  
Governor”

**Committee Appointed; Oath Administered; New Senator Seated**

Thereupon, the President appointed Senator Mullin and Senator Flory as a committee of two to wait upon Senate-appointee, Eldred M. French, and to escort him to the bar of the Senate.

Thereupon, the Senate-appointee, Eldred M. French, was escorted to the bar of the Senate by Senator Mullin of Rutland District and Senator Flory of Rutland District, and took and subscribed the oath of office required by the Constitution from the Secretary of the Senate, John H. Bloomer, Jr.

The new Senator then took his seat and assumed his legislative duties.

**Bills Introduced**

Senate bills of the following titles were severally introduced, read the first time and referred:

**S. 41.**

By Senators Pollina, Cummings, Doyle, Fox and McCormack,  
An act relating to water and sewer service.  
To the Committee on Government Operations.

**S. 42.**

By Senator Ashe,  
An act relating to computer science education.  
To the Committee on Education.

**S. 43.**

By Senators Pollina and Westman,  
An act relating to requiring that any increase in the corrections budget shall be matched with an equal increase in funding for Vermont State Colleges.  
To the Committee on Appropriations.

**S. 44.**

By Senator Mullin,  
An act relating to health insurance prior authorizations.  
To the Committee on Health and Welfare.

**S. 45.**

By Senator Hartwell,  
An act relating to government surveillance activities.  
To the Committee on Judiciary.

**S. 46.**

By Senator Sears,  
An act relating to expediting requests for ex parte emergency guardianship.  
To the Committee on Judiciary.

**S. 47.**

By Senator Sears,  
An act relating to protection orders and second degree domestic assault.  
To the Committee on Judiciary.

**Joint Senate Resolution Adopted on the Part of the Senate**

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senators Baruth and Benning,

**J.R.S. 8.** Joint resolution relating to weekend adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, January 25, 2013, it be to meet again no later than Tuesday, January 29, 2013.

**Senate Resolution Adopted**

Senate resolution of the following title was offered, read and adopted, and is as follows:

By Senators Campbell, Baruth and Benning,

**S.R. 5.** Senate resolution relating to increasing the membership of the Senate Rules Committee from five members to six, for the 2013 biennium.

***Resolved by the Senate:***



That the last paragraph of Senate Rule 24 (relating to composition of the Senate Rules Committee) be amended to increase the number of members from five (5) to six (6) for the 2013 biennium, to read as follows:

A committee on Rules, of ~~five~~ six members, consisting of the President *pro-tempore*, who shall be chair *ex-officio*, and ~~four~~ five other members, who shall propose, and to whom shall be referred matters relating to the rules and operation of the Senate. The committee on Rules may introduce such bills as may be requested by the Governor, which bills shall have indicated on them the appropriate state department or commission appertaining to such bill.

This rule change is temporary and its date of expiration shall coincide with the conclusion of the 2013 biennial session.

### **Third Reading Ordered**

#### **S. 2.**

Senator Sears, for the Committee on Judiciary, to which was referred Senate bill entitled:

An act relating to sentence calculations.

Reported that the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered.

### **Standing Committee Appointed**

The President, on behalf of the Committee on Committees, reported the appointment of the following standing committee, as follows:

#### **Senate Rules**

At Call

Senator Campbell, Chair  
Ayer, Vice-Chair  
Baruth  
Benning  
Doyle  
Mazza

#### **Adjournment**

On motion of Senator Campbell, the Senate adjourned until one o'clock and thirty minutes in the afternoon on Wednesday, January 23, 2013.

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**WEDNESDAY, JANUARY 23, 2013**

The Senate was called to order by the President.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend David Johnson of Websterville.

**Bills Introduced**

Senate bills of the following titles were severally introduced, read the first time and referred:

**S. 48.**

By Senators Benning, Baruth, Ashe, Cummings, Fox, McCormack, Pollina, White and Zuckerman,

An act relating to decriminalization of possession of one ounce or less of marijuana.

To the Committee on Judiciary.

**S. 49.**

By Senators Ashe and Sears,

An act relating to parental rights and responsibilities involving a child conceived as a result of a sexual assault.

To the Committee on Judiciary.

**S. 50.**

By Senator MacDonald,

An act relating to conveying time-share interests.

To the Committee on Economic Development, Housing and General Affairs.

**Bill Passed**

Senate bill of the following title was read the third time and passed:

**S. 2.** An act relating to sentence calculations.

**Third Reading Ordered****S.R. 4.**

Senator Fox, for the Committee on Health and Welfare, to which was referred Senate resolution entitled:

Senate resolution supporting a woman's right to decide her own reproductive choices and commemorating the 40th anniversary of the U.S. Supreme Court decision in *Roe v. Wade*.

Reported that the Senate resolution ought to be adopted.

Thereupon, the resolution was read the second time by title only pursuant to Rule 43, and third reading of the Senate resolution was ordered.

### **Standing Committees Realigned**

The President, on behalf of the Committee on Committees, reported new appointments to two of the standing committees, resulting in a realignment of these committees, as follows:

A.M.	<b>Agriculture</b>	
	Senator Starr, Chair	Room 26
	Zuckerman, Vice-Chair	
	Bray, Clerk	
	[Carris]	
	McAllister	
P.M.	<b>Government Operations</b>	
	Senator White, Chair	Room 4
	Pollina, Vice-Chair	
	Ayer	
	[Carris]	
	McAllister	
	<i>French</i>	

### **Appointment of Senate Members to Joint Fiscal Committee**

Pursuant to the provisions of 2 V.S.A. §501, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Fiscal Committee for terms of two years ending February 1, 2015:

Senator Kitchel, *ex officio*  
Senator Ashe, *ex officio*  
Senator Campbell  
Senator Sears  
Senator Snelling

**Appointment of Senate Members to Joint Rules Committee**

The President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Rules Committee for terms of two (2) years pursuant to the provisions of Joint Rule No. 5:

Senator Campbell, *ex officio*  
Senator Mazza  
Senator Baruth  
Senator Benning

**Bill Withdrawn****S. 32.**

On motion of Senator Baruth, pursuant to Rule 50, Senate bill entitled:

An act relating to semiautomatic assault weapons and large capacity ammunition feeding devices

Was withdrawn.

**Message from the House No. 7**

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has considered joint resolution originating in the Senate of the following title:

**J.R.S. 8.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

**Adjournment**

On motion of Senator Campbell, the Senate adjourned until one o'clock in the afternoon on Thursday, January 24, 2013.

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**THURSDAY, JANUARY 24, 2013**

The Senate was called to order by the President.

**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

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**Message from the Governor**  
**Appointments Referred**

A message was received from the Governor, by Louis Porter, Secretary of Civil and Military Affairs, submitting the following appointments, which were referred to committees as indicated:

Gossens, Gerry of Salisbury - Member of the Valuation Appeals Board, - from February 1, 2013, to January 31, 2016.

To the Committee on Finance.

Wengroff, Ariel of Burlington - Member of the Libraries, Board of, - from March 1, 2013, to February 28, 2017.

To the Committee on Education.

Phillips, Leigh of Charlotte - Chair of the Occupational Safety and Health Review Board, - from March 1, 2013, to February 28, 2019.

To the Committee on Economic Development, Housing and General Affairs.

Shems, Ron of Moretown - Chair of the Natural Resources Board, - from February 1, 2013, to March 31, 2015.

To the Committee on Natural Resources and Energy.

Macfarlane, Christopher of Essex Junction - Member of the Vermont State Colleges Board of Trustees, - from March 1, 2013, to February 28, 2019.

To the Committee on Education.

Diamond, M. Jerome of Montpelier - Member of the Vermont State Colleges Board of Trustees, - from March 1, 2013, to February 28, 2019.

To the Committee on Education.

Pelletier, Heidi of Montpelier - Member of the Vermont State Colleges Board of Trustees, - from March 1, 2013, to February 28, 2019.

To the Committee on Education.

Sylvester, Harlan of Burlington - Chair of the Vermont Racing Commission, - from February 1, 2013, to January 31, 2019.

To the Committee on Economic Development, Housing and General Affairs.

Powers, James of Montpelier - Member of the Valuation Appeals Board, - from February 1, 2013, to January 31, 2016.

To the Committee on Finance.

### **Bills Introduced**

Senate bills of the following titles were severally introduced, read the first time and referred:

#### **S. 51.**

By Senators Rodgers, Benning, McAllister, Starr and White,

An act relating to the immediate reporting of election results to the Secretary of State.

To the Committee on Government Operations.

#### **S. 52.**

By Senators McCormack, Baruth, Cummings, Fox, Lyons, Pollina, Starr, White and Zuckerman,

An act relating to child care providers.

To the Committee on Economic Development, Housing and General Affairs.

#### **S. 53.**

By Senators Rodgers and Starr,

An act relating to the Internet sale of malt and vinous beverages.

To the Committee on Economic Development, Housing and General Affairs.

#### **S. 54.**

By Senators Cummings, Pollina and Doyle,

An act relating to preservation of the Vermont State Hospital cemetery.

To the Committee on Institutions.

### **Senate Resolution Adopted**

Senate resolution of the following title was read the third time and adopted:

**S.R. 4.** Senate resolution supporting a woman's right to decide her own reproductive choices and commemorating the 40th anniversary of the U.S. Supreme Court decision in *Roe v. Wade*.

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**Appointment of Senate Members to the Joint Committee on Judicial Retention**

Pursuant to the provisions of 4 V.S.A. §607, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Committee on Judicial Retention during this biennium:

Senator Nitka  
Senator Galbraith  
Senator Flory  
Senator Benning

**Recess**

On motion of Senator Campbell the Senate recessed until the fall of the gavel.

**Called to Order**

The Senate was called to order by the President.

**Joint Assembly**

At two o'clock in the afternoon, the hour having arrived for the meeting of the two Houses in Joint Assembly pursuant to:

**J.R.S. 5.** Joint resolution relating to provide for a Joint Assembly to hear the budget message of the Governor.

The Senate repaired to the hall of the House.

Having returned therefrom, at two o'clock and forty-two minutes in the afternoon, the President assumed the Chair.

**Message from the House No. 8**

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

**H. 47.** An act relating to fiscal year 2013 budget adjustment.

In the passage of which the concurrence of the Senate is requested.

The House has adopted joint resolution of the following title:

**J.R.H. 1.** Joint resolution relating to the history and legacy of the Vermont State Hospital and the preservation of its cemetery.

In the adoption of which the concurrence of the Senate is requested.

### **Adjournment**

On motion of Senator Campbell, the Senate adjourned until eleven o'clock and thirty minutes in the morning.

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## **FRIDAY, JANUARY 25, 2013**

The Senate was called to order by the President.

### **Devotional Exercises**

A moment of silence was observed in lieu of devotions.

### **Bills Introduced**

Senate bills of the following titles were severally introduced, read the first time and referred:

#### **S. 55.**

By Senators Pollina, Ayer, French, McAllister and White,

An act relating to increasing efficiency in state government finance and lending operations.

To the Committee on Government Operations.

#### **S. 56.**

By Senators Ayer and Bray,

An act relating to the posting of land and access to land and water for hunting, fishing, and trapping.

To the Committee on Natural Resources and Energy.

#### **S. 57.**

By Senators Fox, Ashe, Ayer, Baruth, Campbell, Cummings, Galbraith, Lyons, MacDonald, McCormack, Mullin, Pollina, Snelling, White and Zuckerman,

An act relating to equal pay.

To the Committee on Economic Development, Housing and General Affairs.

#### **S. 58.**

By Senators Lyons, Ashe, Baruth, Cummings, Fox, Galbraith, MacDonald, McAllister, McCormack, Pollina, Rodgers, White and Zuckerman,



An act relating to Act 250 and oil pipelines.

To the Committee on Natural Resources and Energy.

**Bill Referred**

House bill of the following title was read the first time and referred:

**H. 47.**

An act relating to fiscal year 2013 budget adjustment.

To the Committee on Appropriations.

**Joint Resolution Referred**

**J.R.H. 1.**

Joint resolution originating in the House of the following title was read the first time and is as follows:

Joint resolution relating to the history and legacy of the Vermont State Hospital and the preservation of its cemetery.

Whereas, in 1888, the trustees of the Vermont Asylum for the Insane in Brattleboro (renamed the Brattleboro Retreat in 1892 to avoid confusion with the Waterbury facility) reported that the facility was beyond its designed capacity, and Dr. Don D. Grout, the member from Stowe and a future superintendent of the Vermont State Asylum for the Insane (renamed the Vermont State Hospital for the Insane in 1898), introduced legislation that became Act 94, “An act providing for the care, custody and treatment of the insane poor and insane criminals of the state,” and

Whereas, the state purchased 500 acres of land in Waterbury for the new facility, and after initial construction, the first 25 patients arrived by train from Brattleboro on August 8, 1891, and

Whereas, during its 120 years of service, the Vermont State Hospital played a powerful role in the lives of many Vermonters, including many patients and staff, and

Whereas, from early on, the Vermont State Hospital confronted a continuing struggle to secure sufficient financing to provide the best quality of care, and in recent decades, it had been recognized that the facilities in Waterbury no longer allowed for state-of-the-art care, and the existing hospital needed to be closed, and

Whereas, in November 1927, and again at the end of August 2011, the staff and patients at the Vermont State Hospital undertook extraordinary measures to respond to devastating floods, and

Whereas, the severe damage that the Vermont State Hospital sustained in Tropical Storm Irene required an immediate relocation or replacement of services previously provided at the Vermont State Hospital, and

Whereas, as a new chapter in mental health care in Vermont begins, it should be one that integrates mental health care with other health care services, focuses on community supports and treatment close to home, avoids unnecessary hospitalization, and never abandons those with mental health needs, and

Whereas, with the closure of the historic Vermont State Hospital Waterbury campus, it is important to remember those individuals buried at the hospital's cemetery in use from the hospital's inception until 1912 and which includes a memorial stone with an inscription that reads:

This beautiful knoll overlooking the grounds of the Vermont State Hospital is matched in splendor only by the twenty or so residents of the Hospital who were buried here between 1891 and 1912. May their spirits soar, you are remembered, and

Whereas, the preservation of this cemetery and of the memory of those individuals is of lasting importance, and

Whereas, the names of those buried there have been gathered in the past, and may still be able to be located and preserved so that these individuals will not be left unknown, and

Whereas, there is evidence that at least two and perhaps more patients from the Vermont State Hospital were buried at different locations on the grounds in unmarked graves that are likely to never be identified which would be a grievous indication of past indifference to the lives of these individuals, a practice that should never again be permitted to occur in this state, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly observes the powerful role that the Vermont State Hospital played in the history of mental health treatment in Vermont and requests the State to maintain and preserve perpetually the hospital's cemetery, and be it further

Resolved: That the Department of Mental Health is requested to seek to identify from past records those individuals who were buried at different locations, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Commissioner of Mental Health and the Commissioner of Buildings and General Services.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was treated as a bill and referred to the Committee on Institutions.

**Message from the House No. 9**

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has adopted House concurrent resolutions of the following titles:

**H.C.R. 10.** House concurrent resolution congratulating the Richmond Land Trust on its 25th anniversary.

**H.C.R. 11.** House concurrent resolution congratulating the 2011 South Burlington High School Division I championship boys' soccer team.

**H.C.R. 12.** House concurrent resolution congratulating the Old First Church of Bennington on its 250th anniversary.

**H.C.R. 13.** House concurrent resolution honoring Sandra Barton on her outstanding career as a Vermont state employee and for her civic accomplishments.

**H.C.R. 14.** House concurrent resolution designating the week of January 20, 2013 as National Nurse Anesthetists Week in Vermont.

**H.C.R. 15.** House concurrent resolution in memory of former Representative Oreste Valsangiacomo Sr. of Barre City.

In the adoption of which the concurrence of the Senate is requested.

The House has considered concurrent resolutions originating in the Senate of the following titles:

**S.C.R. 1.** Senate resolution commemorating the sestercentennial anniversary of the town of Middlesex.

**S.C.R. 2.** Senate concurrent resolution congratulating Angeleno's Pizza on its 30th anniversary.

**S.C.R. 3.** Senate concurrent resolution honoring the professional and civic contributions of Dr. David Butsch.

**S.C.R. 4.** Senate concurrent resolution congratulating the 2012 Northfield High School Marauders Division III championship baseball team and its illustrious retiring head coach, Frank Pecora.

**S.C.R. 5.** Senate concurrent resolution congratulating the town of Berlin on its sestercentennial (250th) anniversary.

**S.C.R. 6.** Senate concurrent resolution honoring Rosemary Miller for her three decades of outstanding work at the Vermont Center for Independent Living.

**S.C.R. 7.** Senate concurrent resolution commemorating the sestercentennial anniversary of the town of Waterbury.

**S.C.R. 8.** Senate concurrent resolution commemorating the 150th anniversary of the original chartering of Goddard College.

**S.C.R. 9.** Senate concurrent resolution commemorating the sestercentennial anniversary of the town of Worcester.

**S.C.R. 10.** Senate concurrent resolution commemorating the sestercentennial anniversary of the town of Moretown.

**S.C.R. 11.** Senate concurrent resolution commemorating the sestercentennial anniversary of the Town of Duxbury.

And has adopted the same in concurrence.

#### **Senate Concurrent Resolutions**

The following joint concurrent resolutions, having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were severally adopted on the part of the Senate:

By Senators Doyle, Cummings and Pollina,

By Representatives Grad and Greshin,

#### **S.C.R. 10.**

Senate concurrent resolution commemorating the sestercentennial anniversary of the town of Moretown.

By Senators Doyle, Cummings and Pollina,

By Representative Grad and others,

#### **S.C.R. 11.**

Senate concurrent resolution commemorating the sestercentennial anniversary of the Town of Duxbury.

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**House Concurrent Resolutions**

The following joint concurrent resolutions having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were severally adopted in concurrence:

By Representative O'Brien,

**H.C.R. 10.**

House concurrent resolution congratulating the Richmond Land Trust on its 25th anniversary.

By Representative Pugh and others,

**H.C.R. 11.**

House concurrent resolution congratulating the 2011 South Burlington High School Division I championship boys' soccer team.

By Representative Campion and others,

By Senators Hartwell and Sears,

**H.C.R. 12.**

House concurrent resolution congratulating the Old First Church of Bennington on its 250th anniversary.

By Representative Poirier and others,

**H.C.R. 13.**

House concurrent resolution honoring Sandra Barton on her outstanding career as a Vermont state employee and for her civic accomplishments.

By Representative Keenan and others,

By Senators Ayer, Fox and Lyons,

**H.C.R. 14.**

House concurrent resolution designating the week of January 20, 2013 as National Nurse Anesthetists Week in Vermont.

By Representative Poirier and others,

By Senators Doyle, Cummings and Pollina,

**H.C.R. 15.**

House concurrent resolution in memory of former Representative Oreste Valsangiacomo Sr. of Barre City.

**Adjournment**

On motion of Senator Campbell, the Senate adjourned, to reconvene on Tuesday, January 29, 2013, at nine o'clock and thirty in the forenoon pursuant to J.R.S. 8.

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**TUESDAY, JANUARY 29, 2013**

The Senate was called to order by the President.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend Dwight Baker of Northfield.

**Pledge of Allegiance**

The President then led the members of the Senate in the pledge of allegiance.

**Bills Introduced**

Senate bills of the following titles were severally introduced, read the first time and referred:

**S. 59.**

By Senators Campbell, Ashe, Ayer, Baruth, Fox, Galbraith, Lyons, MacDonald, McCormack, Pollina, Starr, White and Zuckerman,

An act relating to independent direct support providers.

To the Committee on Economic Development, Housing and General Affairs.

**S. 60.**

By Senators Ashe and Sears,

An act relating to limited immunity from liability for reporting a drug or alcohol overdose.

To the Committee on Judiciary.

**S. 61.**

By Senators Mullin, Cummings, Flory, French, McAllister, Rodgers and Starr,

An act relating to the shipment of malt beverages.

To the Committee on Economic Development, Housing and General Affairs.

**S. 62.**

By Senator Hartwell,  
An act relating to smart meters.  
To the Committee on Finance.

**S. 63.**

By Senator Mullin,  
An act relating to health care facility discharge prescriptions.  
To the Committee on Health and Welfare.

**Joint Senate Resolution Adopted on the Part of the Senate**

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senators Baruth and Benning,

**J.R.S. 9.** Joint resolution relating to weekend adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, February 1, 2013, it be to meet again no later than Tuesday, February 5, 2013.

**Rules Suspended; Bill Committed****S. 14.**

Appearing on the Calendar for notice, on motion of Senator Mullin, the rules were suspended and Senate bill entitled:

An act relating to payment of agency fees by teachers, school administrators, and municipal employees.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Economic Development, Housing and General Affairs, Senator Mullin moved that Senate Rule 49 be suspended in order to commit the bill to the Committee on Education with the report of the Committee on Economic Development, Housing and General Affairs *intact*,

Which was agreed to.

**Adjournment**

On motion of Senator Campbell, the Senate adjourned until one o'clock and thirty minutes in the afternoon on Wednesday, January 30, 2013.

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**WEDNESDAY, JANUARY 30, 2013**

The Senate was called to order by the President.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend Earl Kooperkamp of Barre.

**Message from the House No. 10**

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

**H. 26.** An act relating to technical corrections.

In the passage of which the concurrence of the Senate is requested.

The House has considered joint resolution originating in the Senate of the following title:

**J.R.S. 9.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

**Bills Introduced**

Senate bills of the following titles were severally introduced, read the first time and referred:

**S. 64.**

By Senators Pollina, Doyle and Zuckerman,

An act relating to designating kale as the state vegetable.

To the Committee on Agriculture.

**S. 65.**

By Senators Pollina, Doyle and Zuckerman,

An act relating to the beverage container redemption system.

To the Committee on Natural Resources and Energy.



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**Bill Referred**

House bill of the following title was read the first time and referred:

**H. 26.**

An act relating to technical corrections.

To the Committee on Government Operations.

**Joint Resolutions Placed on Calendar****J.R.S. 10.**

Joint Senate resolution of the following title was offered, read the first time and is as follows:

By Senator Campbell,

**J.R.S. 10.** Joint resolution providing for a Joint Assembly for the election of a Sergeant at Arms, an Adjutant and Inspector General, and three Trustees of the University of Vermont and State Agricultural College.

***Resolved by the Senate and House of Representatives:***

That the two Houses meet in Joint Assembly on Thursday, February 21, 2013, at ten o'clock and thirty minutes in the forenoon to elect a Sergeant at Arms, an Adjutant and Inspector General, and three trustees of the University of Vermont and State Agricultural College. In case election of all such officers shall not be made on that day, the two Houses shall meet in Joint Assembly at ten o'clock and thirty minutes in the forenoon, on each succeeding day, Saturdays and Sundays excepted, and proceed in such election, until all such officers are elected.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was placed on the Calendar for action tomorrow.

**J.R.S. 11.**

Joint Senate resolution of the following title was offered, read the first time and is as follows:

By Senator Campbell,

**J.R.S. 11.** Joint resolution establishing a procedure for the conduct of the election of UVM trustees by plurality vote by the General Assembly in 2013.

*Whereas*, in 1997 the election of three trustees of the University of Vermont and State Agricultural College was decided by plurality vote, which required one ballot only, and

*Whereas*, in 1999 the election of three trustees of the University of Vermont and State Agricultural College was decided by majority vote, which required a total of eight ballots, and

*Whereas*, in 2001 and subsequent bienniums the elections of three trustees of the University of Vermont and State Agricultural College were decided by plurality vote, each of which required one ballot only, and

*Whereas*, if an election for multiple vacancies is to be decided by a plurality vote, then a great savings of time can be effectuated, *now therefore be it*

***Resolved by the Senate and House of Representatives:***

That, notwithstanding the current provisions of Joint Rule 10, and for this election only, the election of three trustees of the University of Vermont and State Agricultural College at a Joint Assembly to be held on February 21, 2013, shall be governed by the following procedure:

(1) All candidates for the office of Trustee shall be voted upon and decided on the same ballot; members may vote for any number of candidates up to and including the maximum number of vacancies to be filled, which in this case shall be three.

(2) The three candidates receiving the most votes shall be declared elected to fill the three vacancies.

(3) In the event that the first balloting for the Trustee vacancies results in a tie vote for one or more of the three vacant positions, then voting shall continue on successive ballots until the vacancies have been filled, again by election declared of those candidates receiving the most votes.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was placed on the Calendar for action tomorrow.

**J.R.S. 12.**

Joint Senate resolution of the following title was offered, read the first time and is as follows:

By Committee on Institutions,

**J.R.S. 12.** Joint resolution supporting the return of the Battle of Winchester Memorial to its original battlefield location.

*Whereas*, Vermont Civil War troops were key to the important Union victory at the Third Battle of Winchester fought at Winchester, Virginia on September 19, 1864, and

*Whereas*, the Third Battle of Winchester was the first major battle of the campaign that resulted in Union control of the Shenandoah Valley, and

*Whereas*, Colonel Stephen Thomas told his Eighth Vermont Regiment to “remember Ethan Allen and Old Vermont” as he ordered the bayonet charge so important to victory at Winchester, and

*Whereas*, on September 19, 1885, the 21st anniversary of the battle, veterans of the Eighth Vermont Regiment dedicated a monument, which Herbert Hill constructed on the Winchester battlefield, overlooking the scene of the bayonet charge, and

*Whereas*, Virginians joined the Vermont veterans in the celebration at the dedication, and

*Whereas*, the General Assembly, in a resolution adopted in 1886, praised the “kindly spirit in which the inhabitants of the Shenandoah Valley received the citizens of this State, September 19, 1885,” and

*Whereas*, subsequently, the Eighth Vermont Monument was removed from the battlefield to the Winchester National Cemetery, and

*Whereas*, with the approach of the Battle of Winchester’s 150th anniversary, the General Assembly wishes to return the Eighth Vermont Monument to the battlefield at a site as close as possible to the original location where our veterans of the battle had placed it, *now therefore be it*

***Resolved by the Senate and House of Representatives:***

That the Vermont General Assembly respectfully asks the Vermont Congressional Delegation, the National Park Service, the U.S. Department of Veterans Affairs, the Civil War Trust, and the City of Winchester, Virginia to facilitate the return of the Eighth Vermont Monument to the hallowed ground of the Winchester battlefield in a timely fashion to enable the rededication of the monument to occur on the battle’s 150th anniversary, September 19, 2014, *and be it further*

***Resolved:*** That the Secretary of State be directed to send a copy of this resolution to National Park Service Director Jon Jarvis, U.S. Secretary of Veterans Affairs Eric Shinseki, the Civil War Trust in Washington, D.C., Winchester, Virginia City Manager Dale Iman, and the Vermont Congressional Delegation.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was placed on the Calendar for action tomorrow.

**Adjournment**

On motion of Senator Campbell, the Senate adjourned until one o’clock in the afternoon on Thursday, January 31, 2013.

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**THURSDAY, JANUARY 31, 2013**

The Senate was called to order by the President.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend Rick Swanson of Stowe.

**Bills Introduced**

Senate bills of the following titles were severally introduced, read the first time and referred:

**S. 66.**

By Senators Cummings and Westman,

An act relating to insurance notices by electronic means.

To the Committee on Finance.

**S. 67.**

By Senator Sears,

An act relating to the Vermont Prescription Monitoring System.

To the Committee on Health and Welfare.

**Joint Resolutions Adopted on the Part of the Senate**

Joint Senate resolutions entitled:

**J.R.S. 10.** Joint resolution providing for a Joint Assembly for the election of a Sergeant at Arms, an Adjutant and Inspector General, and three Trustees of the University of Vermont and State Agricultural College.

**J.R.S. 11.** Joint resolution establishing a procedure for the conduct of the election of UVM trustees by plurality vote by the General Assembly in 2013.

**J.R.S. 12.** Joint resolution supporting the return of the Battle of Winchester Memorial to its original battlefield location.

Having been placed on the Calendar for action, were taken up and adopted severally on the part of the Senate.

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**Appointment of Senate Member to Advisory Council on Special  
Education**

Pursuant to the provisions of 16 V.S.A. §2945, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Advisory Council on Special Education for a term of three years:

Senator Collins

**Appointment of Senate Member to the Access Board**

Pursuant to the provisions of 21 V.S.A. §272, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Access Board for a term of two years:

Senator Flory, *ex officio*

**Appointment of Senate Member to Art in State Buildings Advisory Panel**

Pursuant to the provisions of 29 V.S.A. §47, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Art in State Buildings Advisory Panel during this biennium:

Senator French

**Appointment of Senate Members to Commission on Higher Education  
Funding**

Pursuant to the provisions of 16 V.S.A. §2886(a)(8), the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Commission on Higher Education Funding for a term of two years:

Senator Snelling  
Senator McCormack

**Commission on International Trade and State Sovereignty**

Pursuant to the provisions of 3 V.S.A. §23(b)(2), the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Commission on International Trade and State Sovereignty for a term of two years:

Senator Lyons

**Appointment of Senate Members to the Emergency Board**

Pursuant to the provisions of 32 V.S.A. §131, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Emergency Board for terms of two years:

Senator Kitchel, *ex officio*  
Senator Ashe, *ex officio*

**Appointment of Senate Member to Forest Resources Advisory Council**

Pursuant to the provisions of 10 V.S.A. §2223, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Forest Resources Advisory Council, for a term of two years:

Senator Rodgers

**Appointment of Senate Member to Human Services Grant Advisory Committee**

Pursuant to the provisions of Act No. 43, §36(b) (2005), the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Human Services Grant Advisory Committee, for a term of two years:

Senator Ayer

**Appointment of Senate Members to the Joint Transportation Oversight Committee**

Pursuant to the provisions of 19 V.S.A. §12b the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Transportation Oversight Committee for terms of two years:

Senator Mazza, *ex officio*  
Senator Kitchel, *ex officio*  
Senator Ashe, *ex officio*

**Appointment of Senate Members to Legislative Council**

Pursuant to the provisions of 2 V.S.A. §402, the President announced the appointment by the President of the following Senators to serve on the Legislative Council for terms of two years:

Senator Campbell, *ex officio*  
Senator Sears  
Senator Mazza  
Senator Snelling

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**Appointment of Senate Members to Legislative Information Technology Committee**

Pursuant to the provisions of 2 V.S.A. §751, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Legislative Information Technology Committee for the current biennium:

Senator Bray  
Senator Baruth  
Senator Hartwell  
Senator Westman

**Appointment of Senate Member to Petroleum Clean-Up Fund Advisory Committee**

Pursuant to the provisions of 10 V.S.A. §1941(e), the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Petroleum Clean-Up Fund Advisory Committee during this biennium:

Senator MacDonald

**Appointment of Senate Member to Public Transit Advisory Council**

Pursuant to the provisions of 24 V.S.A. §5084, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Public Transit Advisory Council during this biennium:

Senator Kitchel

**Appointment of Senate Member to Recreational and Educational Facilities Grants Advisory Committee**

Pursuant to the provisions of Act No. 43, §34(b) (2005), the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Recreational and Educational Facilities Grants Advisory Committee for a term of two years:

Senator Campbell

**Appointment of Senate Member to Governor's Snowmobile Council**

Pursuant to the provisions of 23 V.S.A. §3216, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Governor's Snowmobile Council for a term of two years:

Senator Kitchel

**Appointment of Senate Members to the Vermont Citizens Advisory Committee on Lake Champlain's Future**

Pursuant to the provisions of 10 V.S.A. §1960, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Committee on Lake Champlain's Future for the current biennium:

Senator Lyons  
Senator Bray

**Appointment of Senate Member to Vermont Interactive Television Coordinating Council**

Pursuant to the provisions of Executive Order #10-94, issued under date of October 14, 1994, by Governor Howard B. Dean, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Vermont Interactive Television Coordinating Council during this biennium:

Senator White

**Appointment of Senate Member to Vermont Milk Commission**

Pursuant to the provisions of 6 V.S.A. §2922(5), the President, on behalf of the President *pro tempore*, announced the appointment of the following Senator to serve on the Vermont Milk Commission for the current biennium:

Senator Starr

**Appointment of Senate Member to Vermont State Nuclear Advisory Panel (V-SNAP)**

Pursuant to the provisions of 18 V.S.A. §1700, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Vermont State Nuclear Advisory Panel (V-SNAP) for a term of two years ending on January 15, 2015:

Senator MacDonald



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**Appointment of Senate Member to Board of Directors of Vermont Student Assistance Corporation (VSAC)**

Pursuant to the provisions of 16 V.S.A. §2831, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the board of directors of the Vermont Student Assistance Corporation (VSAC) for a term of six (6) years:

Senator Ashe

**Appointment of Senate Member to Vermont State Infrastructure Bank Board**

Pursuant to the provisions of 10 V.S.A. §280e(b)(2), the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Vermont State Infrastructure Bank Board for a term of two years:

Senator Westman

**Appointment of Senate Members to the Transportation Enhancement Grant Committee**

Pursuant to the provisions of Sec. 41v of No. 18 of Acts of 1999, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Transportation Enhancement Grant Committee during this biennium:

Senator Mazza

Senator Flory

**Appointment of Senate Member to the Vermont Veterans' Memorial Cemetery Advisory Board**

Pursuant to the provisions of 20 V.S.A. §1581(a)(2), the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Vermont Veterans' Memorial Cemetery Advisory Board for a term of two (2) years:

Senator MacDonald

**Appointment of Senate Member to the Vermont Web Portal Board**

Pursuant to the provisions of 22 V.S.A. § 952(a)(8) (Supp.), the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Vermont Web Portal Board for this biennium:

Senator Bray

**Appointment of Senate Members to Workforce Development Council**

Pursuant to the provisions of 10 V.S.A. §541(a), the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Workforce Development Council for a term of two years:

Senator Collins  
Senator Mullin

**Adjournment**

On motion of Senator Campbell, the Senate adjourned until eleven o'clock and thirty minutes in the morning.

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**FRIDAY, FEBRUARY 1, 2013**

The Senate was called to order by the President.

**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

**Message from the House No. 11**

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

**H. 63.** An act relating to repealing an annual survey of municipalities.

In the passage of which the concurrence of the Senate is requested.

**Bills Introduced**

Senate bills of the following titles were severally introduced, read the first time and referred:

**S. 68.**

By Senators Starr, Bray, French, McAllister and Zuckerman,

An act relating to requiring a study and report on using methane gas to power farm equipment.

To the Committee on Agriculture.